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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,346	01/23/2008	Kensuke Morita	200310952-03	2615

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FORT COLLINS, CO 80527-2400

EXAMINER

LU, KUEN S

ART UNIT	PAPER NUMBER
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2169

NOTIFICATION DATE	DELIVERY MODE
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01/29/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/585,346	Applicant(s) MORITA, KENSUKE	
	Examiner KUEN S. LU	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-15 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-3, 5-15 and 17-27 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is responsive to Applicant's Application filed January 23, 2008.

Election/Restrictions

2. Examiner recognizes that the instant Application includes three different embodiments that are appropriate for dividing into different groups of inventions.
3. Restriction to one of the following two inventions is required under 35 U.S.C. 121 is set forth as follows:

- I. Claims 1-3, 5-8, 10-11, 13-15 and 17-20 -

drawn to an application of database or data structure in which data access by processing is augmented, are classified into class 707, subclass 1;

– **a first Embodiment – operating a database through activating or activated processing divided into multiple layers in which a generic processing group is defined and control of database processing is performed;**

- II. Claims 9, 12 and 21 -

drawn to an application of database or data structure in which data access by processing is

augmented, are classified into class 707, subclass 1– **a second Embodiment – performing an information through activating or activated processing divided into multiple layers in which a generic processing group is defined and controlling of processing is performed;** and

- III. Claims 22-27 -

drawn to an application of database or data structure in which data access by processing is augmented, are classified into class 707, subclass 1;

– **a third Embodiment – operating a database through activating or activated processing divided into multiple layers in which each layer of a processing group is defined and control of database processing is performed.**

3. The inventions **I – a first Embodiment, II – a second Embodiment and III – a third Embodiment** are related as sub-combinations disclosed together and the three embodiments in the sub-combination are distinct from each other, embodied separately and differently, and, they are shown to be separately usable.

In the instant case, invention **I – a first embodiment** is related to **operating a database through activating or activated processing divided into multiple layers in which a generic processing group is defined and control of database processing is performed;**

Invention **II – a second Embodiment** is related to **performing an information through activating or activated processing divided into multiple layers in which a generic processing group is defined and controlling of processing is performed;** and

Invention **III – a second Embodiment** is related to **operating a database through activating or activated processing divided into multiple layers in which each layer of a processing group is defined and control of database processing is performed.**

Because these inventions are distinct and related to different embodiments of an art sub-classification and Applicant described the inventions in a separate, respective set of independent and dependent claims, restriction for examination purposes as indicated is

proper. Also please be advised this election/restriction does not preclude any further election/restriction of claim groups in each specific art above.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(l).

Applicant is reminded that the reply to this restriction election to be completed must be included an election of the invention to be examined within one month from the mailing date of this office action, even though the requirement be traversed (37 CFR 1.143).

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUEN S. LU whose telephone number is (571)272-4114. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on 517-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2169

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KUEN S. LU /Kuen S Lu/

Art Unit 2169

Primary Patent Examiner

January 27, 2009